

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WILLIAM L. FAMBRO,	:	Case No. 2:22-cv-1826
	:	
Plaintiff,	:	
	:	
vs.	:	District Judge James L. Graham
	:	Magistrate Judge Caroline H. Gentry
	:	
DECARLO BLACKWELL, et al.,	:	
	:	
Defendants.	:	
	:	

**ORDER GRANTING *IN FORMA PAUPERIS* STATUS AND
ORDERING COLLECTION OF THE FULL FILING FEE**

Plaintiff, an Ohio prisoner proceeding without the assistance of counsel, has filed a civil rights action under 42 U.S.C. § 1983. The case has been referred to the undersigned pursuant to 28 U.S.C. § 636(b) and General Order 22-05 regarding assignments and references to United States Magistrate Judges.

Plaintiff has filed an Application to proceed *in forma pauperis* and without the prepayment of fees under 28 U.S.C. § 1915, supported by an affidavit and certified trust fund account statement. (Doc. 1). He has also filed a motion to waive the court costs and fees associated with this case. (Doc. 3).

Upon consideration, the Application (Doc. 1) is **GRANTED**, but the motion to waive costs (Doc. 3) is **DENIED**. It is **ORDERED** that Plaintiff be allowed to prosecute this action without *prepayment* of fees or costs and that judicial officers who render services in this action shall do so as if the costs had been prepaid. However, Plaintiff is required, by statute, to pay the full amount of the Court's \$350 filing fee. 28 U.S.C. § 1915(b)(1); 28 U.S.C. § 1914. Because he is permitted to proceed *in forma pauperis*, he is not required to pay the Court's administrative

of \$52. *See Judicial Conference Schedule of Fees*, No. 14 (issued in accordance with 28 U.S.C. § 1914), *available at* <https://www.uscourts.gov/services-forms/fees/district-court-miscellaneous-fee-schedule> (accessed April 27, 2022).

Plaintiff's Application and trust fund account statement reveal that he currently has insufficient funds in his trust fund account to prepay the full filing fee. (Doc. 1, PageID 8-11). In accordance with section 804(a)(3) of the Prison Litigation Reform Act of 1995, 28 U.S.C. § 1915(b)(1), Plaintiff must pay an initial partial filing fee of 20 percent of the greater of the average monthly deposits to his prison account or the average monthly balance in his account for the six-month period immediately preceding the filing of the complaint. After payment of the initial partial filing fee, Plaintiff is further required to make monthly payments of 20 percent of the preceding month's income credited to his prison account until he pays the full amount of the filing fee. 28 U.S.C. § 1915(b)(2).

Accordingly, the custodian of Plaintiff's inmate trust fund account at the institution where he now resides is **DIRECTED** to calculate, as an initial partial payment, twenty percent (20%) of the greater of:

- (a) the average monthly deposits to the inmate trust account; or
- (b) the average monthly balance in the inmate trust account, for the six (6) months immediately preceding March 29, 2022. 28 U.S.C. § 1915(b)(1).

The custodian is **ORDERED** to forward from Plaintiff's prison account to the Clerk of Court located in Columbus, Ohio the initial partial filing fee, as funds become available in Plaintiff's account until the initial filing fee is paid. Even if the account is under ten dollars (\$10.00), the custodian must still forward payments to the Clerk of Court to pay the initial filing fee.

Once the initial partial filing fee is paid, the custodian shall forward to the Clerk of Court monthly payments of twenty percent (20%) of Plaintiff's preceding monthly income credited to his prison account, but only when the amount in the account exceeds ten dollars (\$10.00), until the full fee of three hundred and fifty dollars (\$350.00) has been paid to the Clerk of the Court. 28 U.S.C. § 1915(b)(2); *see McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997). If Plaintiff is transferred to another institution, the current custodian should forward this Order to that institution so that the new custodian of Plaintiff's account can collect and remit the monthly partial payment.

Checks are to be made payable to **Clerk, U.S. District Court** and sent to:

Prisoner Accounts Receivable
Joseph P. Kinneary United States Courthouse
85 Marconi Boulevard, Room 121
Columbus, Ohio 43215

The prisoner's name and case number must be noted on each remittance.

The Clerk of Court is **DIRECTED** to send a copy of this Order to the institutional cashier and to the Court's financial office in Columbus.

Because Plaintiff is a prisoner seeking "redress from a governmental entity or officer or employee of a governmental entity," and is also proceeding *in forma pauperis*, the Court is required to conduct an initial screening of his Complaint. 28 U.S.C. § 1915A(a); 28 U.S.C. § 1915(e)(2). The undersigned will conduct this initial screening as soon as practicable. The Court will then enter an appropriate order and, if appropriate, direct service of the complaint and summons on Defendants.

Plaintiff shall keep this Court informed of his current address and promptly file a notice of his new address if he is released or transferred to a different institution. As appropriate, the Court will consider any pending motions after, or along with, the initial screening.

IT IS SO ORDERED.

May 2, 2022

/s/ Caroline H. Gentry

CAROLINE H. GENTRY
UNITED STATES MAGISTRATE JUDGE